

# STATE PROPERTIES REVIEW BOARD

## Minutes of Meeting Held On February 2, 2012 State Office Building, Hartford, Connecticut

The State Properties Review Board held its regularly scheduled meeting on February 2, 2012 in the State Office Building.

**Members Present:** Edwin S. Greenberg, Chairman  
Bennett Millstein, Vice-Chairman  
Bruce Josephy, Secretary  
Mark A. Norman  
Pasquale A. Pepe  
John P. Valengavich

**Staff Present:** Brian A. Dillon, Director  
Mary Goodhouse, Real Estate Examiner

Chairman Greenberg called the meeting to order.

Mr. Josephy moved and Mr. Norman seconded a motion to enter into Open Session. The motion passed unanimously.

### OPEN SESSION

#### REAL ESTATE- NEW BUSINESS

Mr. Josephy moved and Mr. Millstein seconded a motion to go out of Open Session into Executive Session. The motion passed unanimously.

### EXECUTIVE SESSION

**PRB #** 12-1000      **Transaction/Contract Type:** RE / Purchase & Sale  
**Origin/Client:** DAS / DAS  
**Statutory Disclosure Exemptions:** 4b-23(e); 1-200(6) & 1-210(b)(7)

DAS Commissioner Donald J. DeFronzo and DAS Attorney Erin Choquette joined the Board in Executive Session at 10:03 a.m.

The Board commenced its discussion of item PRB # 12-1000 at 10:03 a.m. and concluded at 10:50 a.m.

Mr. Josephy moved and Mr. Valengavich seconded a motion to go out of Executive Session into Open Session. The motion passed unanimously.

### OPEN SESSION

**ACCEPTANCE OF MINUTES OF JANUARY 26, 2012.** Mr. Norman moved and Mr. Valengavich seconded a motion to approve the minutes of January 26, 2012. The motion passed unanimously.

### COMMUNICATIONS

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting, February 2, 2012

Page 2

Mr. Dillon provided to the Board copies of email communications received from Nancy Fischbach; Melissa J. Schlag, Executive Director, Citizens for Protection of Public Lands; and Michael G. Harris, President, ECCoLoV/EarthCharterConnecticut concerning a proposed transfer of state land in Haddam.

**REAL ESTATE- UNFINISHED BUSINESS**

**REAL ESTATE- NEW BUSINESS**

**PRB #** 12-015 **Transaction/Contract Type:** RE / Voucher  
**Origin/Client:** DOT / DOT  
**Project Number:** 144-188-012  
**Grantor:** Thomas J. Whelan II, et al  
**Property:** 847 White Plains Road, Trumbull, CT

**Project Purpose:** Construction of Left Turn Lane on RTE 127 at Reservoir Road  
**Item Purpose:** Acquisition of approximately 651 SF of land for highway purposes and additional compensation for the contributory value of site improvements.

Ms. Goodhouse reported that to improve safety, this project in Trumbull will construct exclusive left turn lands on Route 127 (White Plains Road) at Reservoir Avenue and the intersection with a Commercial Driveway located on the east side of Route 127 at 888 White Plains Road, currently the location of a People's United Bank and various business offices. The project limits begin approximately 1,100 feet south of the intersection and extends 900 feet north of the intersection, for a total project distance of approximately 2,000 feet.

Route 127 will be widened and the existing traffic signal will be modified or replaced. The existing concrete sidewalk will be reconstructed and the existing drainage structures may be replaced or modified. Conflicting underground and overhead utilities will be relocated as needed.

The project will be funded with 100% federal funds. The construction budget is \$3,150,000. The DOT cost estimate of the value of the necessary acquisitions is \$692,900 for 13 land parcels and 4 easements.

The subject property is 0.61 acres of improved residential land at 847 White Plains Road, Trumbull, where the state is acquiring 651 square feet along the frontage, and the area includes lawn and a mature tree. DOT established a rate of \$8.00/SF for this taking, and \$6,950 in damages was offered.

An ensuing negotiation resulted in an agreement for DOT to award the amount of \$9,000.00 because the owner successfully argued that the highest and best use was for commercial rather than residential use. The zone is a design district which allows for office and commercial use, and the owner also owns the adjacent property to the west allowing him enough acreage to support a commercial use.

The compensation in the amount of \$9,000 indicates a land value of \$7,250, or \$11.14/SF. Data was supplied on the sale of a 0.23 acre commercial parcel in Trumbull which sold for \$15.97/SF in July 2009. Conn-Comp sales data also lists a sale in February 2011 for \$47.83/SF for 0.36 acres.

Staff recommended Board approval of the item. The acquisition complies with Section 13a-73(c) of the CGS which governs the acquisition of property by the commissioner of transportation required for highway purposes. The acquisition value is supported by available market data and the EOC reports prepared by DOT.

**PRB #** 12-016 **Transaction/Contract Type:** RE / Voucher  
**Origin/Client:** DOT / DOT  
**Project Number:** 107-167-017  
**Grantor:** Joseph D. Coviello, et al.

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting, February 2, 2012

Page 3

**Property:** 43 Triangle Boulevard, Middlebury, CT

**Project Purpose:** Oxford Airport Federal Aviation Regulation, Part 150 Noise Study

**Item Purpose:** Acquisition of 0.46+/- acres of land, in fee, together with improvements situated thereon, a "total take".

In January 2009, DOT received approval from the Federal Aviation Administration to conduct a federal program for the voluntary acquisition of 72 single-family homes impacted by incompatible noise levels generated by the Waterbury-Oxford Airport. The 72 homes lie within the Runway Projection Zone, are adjacent to it, or are within certain decibel day night level (DNL) noise contours.

PRB #12-016, 43 Triangle Boulevard, Middlebury, is the 18<sup>th</sup> acquisition, and is located in the project's Phase 2 acquisition area, which has 10 properties located on Hill Parkway and Triangle Boulevard.

Ms. Goodhouse said that DOT will acquire the subject property in total, consisting of .46 acres improved with a 1,242 raised ranch style dwelling in "good" condition. There is a public sanitary sewer system and private water well. The zone is R-40, and the current use is in a non-conforming, legal use.

DOT Appraiser John P. Kerr employed the Sales Comparison Approach and relied on three sales in Middlebury and Southbury, occurring April and June 2011, and concluded a value of \$280,000, which is acceptable to the Grantor.

Board staff recommended Board approval because (1) DOT has authority under Section 13b-44 to establish and maintain state airports, and acquire any lands determined to be necessary to improve the adequacy of existing state airports; (2) DOT has authority under Section 8-273a to provide relocation assistance and undertake the acquisition of real property on a federally funded project provided the acquisitions and relocation payments and assistance procedures comply with the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act; and (3) the appraisal report prepared by John P. Kerr as of November 19, 2011 supports the purchase price.

**PRB #** 12-017 **Transaction/Contract Type:** RE / Voucher

**Origin/Client:** DOT / DOT

**Project Number:** 166-098-001

**Grantor:** Marek Zelepien

**Property:** 489 Center Street, Wolcott, CT

**Project Purpose:** Reconstruction of Bridge No. 03075 State Road 322 over Lindsley Brook

**Item Purpose:** Acquisition of 518 SF of land, two (2) easements totaling approximately 497 SF to excavate a brook channel, place modified riprap and streambed material in addition to a 1,306 SF temporary work easement to construct such bridge.

Mr. Dillon reported that this project in Wolcott involves the reconstruction of Bridge No. 03075 State Route 322 over Lindsley Brook. In general the project involves the reconstruction of the bridge culvert, the subsequent widening of the stream channel and re-grading/placement of riprap along the embankments. The total project cost is estimated at \$1,443,000. This project is being funded entirely with State Funds under the *Fix-It-First Program* established by the Legislature in 2011.

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting, February 2, 2012

Page 4

The subject property at 489 Center Street is 1.07± acres improved with a single family residential dwelling and other associated improvements. The zone is R-30. The DOT EOC worksheet indicated that the takings will not significantly affect the dwelling, access driveway, or remaining site improvements. The Grantor disagreed, and argued that the loss of natural vegetation screening would negatively impact the value of his home from a privacy and business perspective. The grantor informed DOT that he also runs a carpentry business out of his residence. The grantor proceeded to provide DOT a cost estimate of \$9,555 from a local landscaper to replace trees along the property boundary after completion of the project. This quote exceeded the EOC of \$4,350 which included \$2,500 of compensation for the lost of vegetation. Upon further negotiations, DOT and the grantor agreed to an additional \$4,150 in compensation for the loss of natural vegetation therefore totaling \$6,650 for the replacement of site improvements.

DOT established a rate of \$2.25/ SF for this taking. A negotiation resulted in this proposal to provide additional compensation for the loss of vegetation and to compensate the Grantor a total \$8,500:

Board staff recommended Board approval of the item. The acquisition complies with Section 13a-73(c) of the CGS which governs the acquisition of property by the commissioner of transportation required for highway purposes.

**ARCHITECT-ENGINEER - UNFINISHED BUSINESS**

**ARCHITECT-ENGINEER – NEW BUSINESS**

**OTHER BUSINESS**

The Board took the following votes in Open Session:

**PRB FILE #12-015** - Mr. Valengavich moved and Mr. Norman seconded a motion to approve PRB File #12-015. The motion passed unanimously.

**PRB FILE #12-016**- Mr. Pepe moved and Mr. Valengavich seconded a motion to approve PRB File #12- 016. The motion passed unanimously.

**PRB FILE #12-017** – Mr. Norman moved and Mr. Valengavich seconded a motion to approve PRB File #12-017. The motion passed unanimously.

The meeting adjourned.

**APPROVED:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Bruce Josephy, Secretary